

Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
Baton Rouge, Louisiana
September 30, 2011

Attending Richard LeBlanc, President presiding
 Allen Bacqué
 Creed Brierre
 J. David Brinson
 John Cardone, Jr.
 Robert McKinney
 Teeny Simmons, Executive Director
 Paul H. Spaht, Board Attorney
 Robert Eddleman, Board Investigator

Call to Order

1. The meeting was called to order by the President.

Minutes Approved

2. The minutes from the meeting held June 17, 2011 were approved as written.

IDP Report

3. Ms. Marsha Cuddeback presented the following IDP report:

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LA IDP Forum

- NCARB attendance confirmed (Harry, Nick or Martin)
- Location still under discussion (Baton Rouge or Lafayette)
- Keynote speaker recommendations (Trey Trahan,
- Professional panel discussion (architecture, allied disciplines)
- LSBAE member participation (welcome, closing)

Working Agenda was presented

Feedback from ULL, LA Tech, SUSA, LSU

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2011 IDP Coordinators Conference (July 28-30, 2011, Chicago, IL)

Attending: Jonathan Tate (Tulane), Jin Lee (SUSA), Geoff Gjertson (ULL), Karl Puljak (Louisiana Tech), Marsha Cuddeback (LSU)

Presentation: The Louisiana IDP Forum (Cuddeback)

The total attendance at Chicago's conference included 95 educator coordinators from 92 universities, 38 AIA state coordinators, nine auxiliary coordinators from seven firms, and representatives from AIA, the National Architectural Accrediting Board (NAAB), the American Institute of Architecture Students (AIAS), and the Association of Collegiate Schools of Architecture (ACSA). The agenda featured presentations on IDP and the Architect Registration Examination® (ARE®), workshops on resources, demonstrations of the coordinator online community, coordinator breakout sessions, and guest speakers addressing mentorship and how to support interns on the path to licensure.

<http://www.ncarb.org/News-and-Events/News/2011/08-IDPCC2011.aspx>

3

IDP Firm Award Application (due October 12, 2011 - see attached)

Recommendations for firms statewide - 2011 or 2012 application

Since 1991, the IDP Outstanding Firm Awards program, administered by the AIA/NCARB Intern Development Program Advisory Committee (IDPAC), has recognized firms who actively embrace the Intern Development Program (IDP) and demonstrate a commitment to interns by making the path to licensure an integral part of the firm's culture. In 2008, the program expanded to recognize "IDP Firms" that meet twelve essential criteria in the categories of Mentoring, Supervising, Training Opportunities, Commitment to IDP, and ARE Support. The IDP Outstanding Firm Award is reserved for firms who meet these essential criteria with excellence in these categories as well as demonstrate an "innovative" effort or outstanding practice in their efforts with the Intern Development Program.

Past IDP Outstanding Firm Award (Louisiana): Eskew+Dumez+Ripple - 2008-2011, New Orleans, LA

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NCARB IDP NEWS

- List of Approved Advanced Degree Programs That Qualify For Supplementary Education on NCARB Website (936 training hours)
- NCARB Talks, The IDP Experience, NCARB YouTube Channel, www.youtube.com/user/NCARBorg (examples - Student to Architect, Understanding the Rolling Clock Teaser, My NCARB - How to Create An Account)
- Update NCARB Record (combines all services under one login)

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SCHOOL VISITS, PRESENTATIONS, ACTIVITIES

tentative

October/November: SUSU, LSU

LSU: October 26 (Introduction), October 31 (Advanced), November 2 (Open), 11:30-12:30, COAD 103

LSU/SUSU: Special event - LSU and SUSU 2nd year students, IDP and Professional Practice

November/December: ULL, LATech

February: Tulane

Recommendation: monthly 1 hour open session facilitated by each Coordinator

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UPCOMING EVENTS

Annual Louisiana IDP Coordinators Meeting

Originally scheduled during the upcoming AIA LA Design conference in Shreveport

Cancelled due to conflict with ACSA Fall Conference and South Quad meeting

Alternate: Conference call during the first week of November (LA IDP Forum 2012)

LA IDP Forum

January 21, 2012

Southern Conference of NCARB Educator/Practitioner Conference

February 2012

Executive Director's
Report

4. The Executive Director reported the following office functions:

A. Preparation and completion of firm renewals.

- B. Preparation and advertising for two Board vacancies effective January 1, 2012 (Blitch/LeBlanc).
- C. Preparation for 2011-2012 audit, awaiting report.
- D. Updated licensing law and rules with changes made this year/website also updated.
- E. Met with Sherry (Rotary) relating to a new lease. Present lease expires July 31, 2012. She is awaiting discussion with her Board and will come back to us with a possible small increase in rent, also working with state Real Estate Leasing section.
- G. Attendance:
 - 1. June 21-26 NCARB in Washington DC.
 - 2. July 12 architect/engineer committee meeting (Blitch/Brinson/McKinney).
 - 3. July 21-24 NCARB PCC meeting (Boston).
 - 4. July 29 AIA Board of Directors meeting Lafayette/Bacque.

Legal

5. Mr. Spaht presented the following legal matters for discussion/action:

- A. Chapter 15 (Titles, Firm Names, and Assumed Names) – For informational purposes, the board reviewed the Rule published on August 20, 2011, in the Louisiana Register. This Rule amended Chapter 15 of the board rules concerning Titles, Firm Names, and Assumed Names. Ms. Simmons reported that the board website has been updated. The Rule was reviewed for informational purposes, and no board action was deemed necessary.
- B. Building Official's Guide to Architecture Requirements – The board reviewed the minutes of the July 12, 2011 joint meeting of members of the LSBAE and LAPELS; the engineers' draft of the Building Official's Guide with its revisions thereto, and an email from Donna D. Sentell requesting that the board review and return the draft of the Guide by Thursday, October 6. The engineers asked two questions, which will be answered by Mr. Brinson and Mr. McKinney. This matter is proceeding rapidly, as the next joint meeting is scheduled for October 12, 2011.
- C. General Disciplinary Guidelines – The board reviewed an email dated August 22, 2011, from Ms. Simmons to NCARB inquiring as to the status of the MBE Committee developing a template of general disciplinary fines or disciplines which can be used nationwide. Ms. Simmons reported that no response to her email has been received. The MBE Committee will meet in November of 2011, and Ms. Simmons will hopefully have an update on the activities of the MBE Committee for the December board meeting.
- D. Waiver of delinquent fee because of military service – At its last meeting, the board decided to consider a waiver of the delinquency fee for delinquent license renewals resulting from a civilian architect called to active military service. The new rule will be modeled after the existing rule exempting an architect from continuing education who serves on active duty in the Armed Forces of the United States for a period of time

exceeding ninety (90) consecutive days during the annual report period. See Rule § 1315.B.3. The two rules need to be consistent, and the board is presently considering an amendment to Rule § 1315.B.3. Mr. Spaht reported that he will present a proposed rule waiving the delinquency fee for an architect called to active military service as soon as the rule amendment regarding Rule § 1315.B.3 is finalized.

- E. Appearance of Lynn Robertson – Ms. Robertson appeared and reported that AIA Louisiana currently plans to move forward with legislation concerning firm practice at the next legislative session.
- F. Continuing Education – Pursuant to board instructions, Mr. Spaht prepared a draft revision to Rule § 1315 Continuing Education to make such rule coincide with the recently adopted NCARB Resolution 2011-01. The board reviewed this draft revision and the NCARB resolution. After discussion, the board concluded that the amendment to Rule § 1315 should coincide with NCARB Resolution 2011-01 as much as possible. For example, if the NCARB resolution amended an existing rule which mentions a specific board rule or policy, the amended rule should include the language from the NCARB Resolution and also the language from the existing rule or policy. Mr. Spaht will finalize the proposed revision and email same to the board. If the board approves the proposed revision, publication of a NOI will begin.
- G. IDP Proposal for Visits to the Architectural Schools – The board reviewed the IDP Proposal for Visits to Architectural Schools reviewed by the board at its meeting on June 24, 2011 in Washington, DC; the minutes of its meeting on June 24, 2011 in Washington, DC, and Attorney General Opinion 10-0304 dated June 15, 2011. After discussion, the board concluded that, in view of the recent AG Opinion, it should not fund the IDP proposal discussed in Washington, DC.
- H. Act 18 of 2011 – Ken Jones appeared and discussed his concerns regarding the effect of Act 18 of 2011 upon the exemption in the Architect's Licensing Law for single family residences. Mr. McKinney and other board members responded that in their opinion Act 18 has no effect on the long-existing exemption for persons acting as designers for "[s]ingle family residences," that is, persons acting as designers of "[s]ingle family residences" are exempt from the licensing law regardless of the square footage of the residence. This interpretation was expressed in the recent board newsletter, and a copy of this newsletter was provided to Mr. Jones. The board president will write a letter to Mr. Jones confirming the discussions at the board meeting.
- I. Name of a limited liability company – The board reviewed an initial application for registration of a limited liability company dated August 20, 2011, submitted on behalf of H2 Design Build, LLC; a proposed letterhead for H2 Design Build, LLC, and a string of emails concerning this application. The board does not register design/build firms, and after discussion the board concluded that the proposed name is acceptable. Ms. Simmons will advise the applicant that the name is acceptable, that a fee is due if the applicant desires to proceed with its application, and that the applicant should be mindful of Rule § 1319 which interprets La. R.S. 37:141.B.3 and regulates design/build in Louisiana.
- J. Architect acting as sub-consultant to an engineering company – W. Conway Cristina of Manning Architects asked: "can an Architect contract as a sub-consultant to an Engineering Company, with the Engineering Company contracting as the prime with

the Owner?" Ms. Simmons had preliminarily responded that neither the licensing law nor the board rules prohibit this contractual relationship; however, she would present this matter to the board for discussion. The board discussed the question, and it concluded the same as Ms. Simmons, that is, an architect may contract as a sub-consultant to an engineering company, with the engineering company contracting as the prime with the owner. Ms. Simmons will so advise Mr. Cristina.

- K. Name of a Professional Architectural Corporation – The board reviewed a string of emails to/from Donna Cathey concerning whether a professional architectural corporation, Timothy M. Brandon Architect APC, could use TBASTudio West as a DBA. TBA Studio West LLC was previously registered by the board; however, Ms. Cathey advised that said entity will be dissolved. La. R.S. 12:1088 provides:

§ 1088. Corporate name

The corporate name may consist of the full or last name or names of one or more shareholders duly licensed to practice architecture in this state, may include "Limited" or "Ltd."; or it may consist of any other name approved by the secretary of state. However, in either case the name shall end with one of the phrases: "A Professional Architectural Corporation", "A Professional Corporation", or "An Architectural Corporation", which phrase may be in parentheses. The name need not contain "Incorporated" or "Inc." but such use shall not be prohibited.

After discussion, the board concluded that professional architectural corporations must comply with this statute. Further, a professional architectural corporation may not avoid the statute by using a d/b/a which does not comply with its provisions. The name "TBASTudio West" does not comply with La. R.S. 12:1088, since it does not contain one of the required suffixes. Ms. Simmons will so advise Ms. Cathey.

- L. Rule § 1305.A – Placing of Seal or Stamp – The board reviewed an email from Bob Kleinpeter concerning the meaning of "contract drawings and specifications" in Board Rule § 1305.A. Mr. Kleinpeter questioned whether, in view of the reference in Rule § 1305.A to "contract drawings and specifications," construction documents prepared for bidding or to receive proposals or submitted for permitting need to be sealed or stamped. The board observed that a similar question concerning the meaning of contract drawings and specifications in Rule § 1305.A had been asked nine years ago, and Mr. Spaht had responded thereto by his memorandum dated December 12, 2002, which was reviewed by the board. After discussion, the board concluded that the concerns of Mr. Kleinpeter could be addressed if the following sentence was added to Rule § 1305.A:

Contract drawings and specifications within the meaning of this rule include construction documents prepared for bidding or for receipt of proposals, as well as such documents submitted for permitting.

Ms. Simmons will so advise Mr. Kleinpeter, and Mr. Spaht will prepare an amendment to Rule § 1305.A for the board consideration.

- M. Possible board committee to consider practice and firm issues – The subject of whether a board committee should be established to consider practice and firm issues was deferred until the year 2012.

N. CRC matters – Mr. Eddleman presented the following CRC matters:

Case # 2010 – 36 – Core States, Inc. - Mr. Eddleman reported on an unlicensed architectural firm that submitted an application for firm licensure who admitted to practicing and/or offering to practice architecture prior to obtaining licensure. The respondent has signed and returned the proposed Consent Order offered by the CRC. After discussion, the Board unanimously approved the motion made by Mr. Cardone, seconded by Mr. Brinson, to approve the signed Consent Order.

Case # 2010 – 41 – HC Architecture, Inc.- Mr. Eddleman reported on an unlicensed architectural firm that submitted an application for firm licensure who admitted to practicing and/or offering to practice architecture prior to obtaining licensure. The respondent has signed and returned the proposed Consent Order offered by the CRC. After discussion, the Board unanimously approved the motion made by Mr. Bacque, seconded by Mr. Brinson, to approve the signed Consent Order.

Case # 2010 – 43 – Rob Walker Architects, L.L.C. - Mr. Eddleman reported on an unlicensed architectural firm that submitted an application for firm licensure who admitted to practicing and/or offering to practice architecture prior to obtaining licensure. by the Board. The respondent has signed and returned the proposed Consent Order offered by the CRC. After discussion, the Board unanimously approved the motion made by Mr. Cardone, seconded by Mr. Biltch, to approve the signed Consent Order.

A motion was made by Mr. McKinney, seconded by Mr. Bacque, to authorize Paul Sphat to prepare a form letter to address the issuance of licensure for matters during the pendency of action by the CRC. The Board. Motion was approved.

O. Enforcement Report – Mr. Eddleman presented a written Enforcement Report for the period June 17, 2011 – September 30, 2011. As set forth more fully in this report, the CRC at its June 17, 2011 meeting authorized the issuance of four consent orders. Further, since the June meeting, seven cases have been opened, and at the direction of the CRC three cases were closed. Eight cases were referred to the CRC for review; four cases of unlicensed practice and two cases of improper signing and sealing of documents.

P. Advertisement by interior design firm – Clyde R. Bass asked if an interior design firm that is not licensed to practice architecture may advertise that it provides architecture through an association with an architectural firm or individual. For example, could the unlicensed interior design firm state in its advertisement, “in association with Clyde R. Bass, NCARB, Architect.”

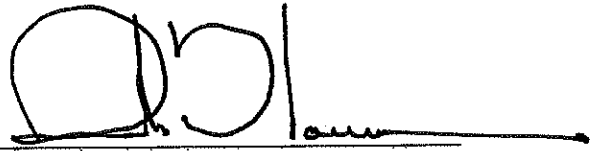
La. R.S. 37:145.A provides that “[n]o person shall . . . use the title ‘architect’, or any term derived therefrom, or display or use any title, sign, advertisement, or other device to indicate that such person practices or offers to practice architecture, or renders architectural services, or is an architect, unless such person shall have secured from the board a certificate of registration and license in the manner hereinafter provided” In the hypothet described Mr. Bass, the interior design firm has not received a certificate of registration or license from the board. Hence, the interior design firm may not advertise that it provides architecture through an association with an architectural firm or individual. Ms. Simmons will so advise Mr. Bass.

Budget Report

6. Ms. Simmons presented a memo from Michael Armstrong (NCARB) dated September 8, 2011 relating to member board dues increase.
7. The August, 2011 budget report was reviewed.
8. Ms. Simmons is continuing to address future staffing issues.
9. The next meeting date is Friday, December 16.

01/26/2012

Date



Richard LeBlanc, President



Ronald Blich, Secretary